

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,      )  
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Plaintiff,                        )  
                                      )  
                                      )  
v.                                 ) Case No. 1:05CR090 HEA  
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                                      )  
DAVID WAYNE POWELL,            )  
                                      )  
                                      )  
Defendant.                        )

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion to Suppress, [#22]. The Court referred this matter to United States Magistrate Judge Frederick Buckles for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). A motion hearing was held on October 7, 2005 before Judge Buckles, wherein Defendant was granted leave to file a post-hearing memorandum of law. Defendant filed such memorandum on November 3, 2005. Based on the testimony and evidence adduced at the hearing, Judge Buckles filed his Report and Recommendation on December 8, 2005, recommending that Defendant's motion be denied. No objections to the Report and Recommendation have been filed.

After careful consideration, the Court will adopt and sustain the sound reasoning of Judge Buckles as set forth in the Report and Recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Suppress, [#22] is denied.

Dated this 17<sup>th</sup> day of January, 2006.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE